UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,090	12/29/2000	Jeffery F. Harness	2207/10377	6380

23838	7590	10/18/2004	

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EXAMINER
DO, CHAT C

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *2-6,11-18 and 20-25* is/are allowed.

6)☒ Claim(s) *1,7-10 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment filed 09/07/2004.

2.   Claims 1-25 are pending in this application. Claims 1-2, 10-11, and 19-20 are

independent claims. In Amendment, claims 2, 11, and 20 are amended. This action is made

final.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 7-10, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Weber

(U.S. 4,438,501) in view of Yada (U.S. 5,481,568).

        Re claim 1, Weber discloses in Figure 1 a method of filtering over-sampled data

(abstract) comprising: receiving a word including a plurality of sample bits for each of a

plurality of data bits (col. 1 lines 6-9); detecting a sample bit having one logic value and,

on either side of it, bits having the opposite logic value (col. 1 lines 6-20 and col. 9 lines

3-15); and outputting the received word with the sample bit having said one logic value

inverted (col. 8 lines 65-70). Weber does not disclose the word is an over-sampled data.

However, Yada discloses in Figure 4 an input word is an over-sampling data (part 10 in

Figure 4, Figure 2(b), and col. 6 lines 54-60) entering a filter (abstract) for extracting

desired data. Therefore, it would have been obvious application to a person having

ordinary skill in the art at the time the invention is made to apply or add over-sampling

data into Weber's invention because it would enable to correct any undesirable sequence

or irregular sequence and provide a desired sequence without loss of integrity (abstract).

Re claim 7, it has same limitation cited in claim 1. Thus, claim 7 is also rejected

under the same rationale in the rejection of rejected claim 1.

Re claims 8-9, Weber does not disclose in Figure 1 a step of receiving word from

an over-sampler or between two over-samplers wherein the over-sampled data is USB 2.0

data. However, the examiner takes an official notice that the technique of selecting data

from multiple input source as over-samplers and USB 2.0 data are known in the art.

Therefore, it would have been obvious application to a person having ordinary skill in the

art at the time the invention is made to apply difference data as USB 2.0 or samplers into

Weber's invention because it would enable to correct any undesirable sequence or

irregular sequence and provide a desired sequence without loss of integrity (abstract).

Re claim 10, it is an apparatus claim of claim 1. Thus, claim 10 is also rejected

under the same rationale in the rejection of rejected claim 1.

Re claim 19, it is a computer readable memory containing program instruction

claim of claim 1. Thus, claim 19 is also rejected under the same rationale in the rejection

of rejected claim 1.

Allowable Subject Matter

5.   Claims 2-6, 11-18, and 20-25 are allowed.

Response to Arguments

6.   Applicant's arguments filed 09/07/2004 have been fully considered but they are not persuasive.

    a.   The applicant argues in page 10 first paragraph for claims 1, 10, and 19 that the reference by Weber in general does not disclose, teach, or suggest the detection a sample bit having one logic value and, on either side of it, bits having an opposite logic value and outputting "the received word" with the one logic value inverted.

    The examiner respectfully submits that claims 1, 10, and 19 in the present application do not disclose or teach how to detect the sample bit having one logic value cited in step b and they do not even disclose or teach to output the sample bit having one logic value in step b inverted. Based on the current claim language, the examiner interprets the step b as detecting a sample bit (any sample, let A_n = "0/1") with either side of the sample bit having an opposite logic value (A_{n-1} = "1/0" or A_{n+1} = "1/0") and the step c as outputting an inverted sample bit. With the above interpretation on the current claim language, the cited reference by Weber discloses or teaches in Figure 1 a mechanism or circuit to detect a glitch as seen in Figure 2 (AF line) wherein the glitch must have a value and adjacent bit to the glitch must have an opposite value and suppress or de-suppress the glitch as needed in Figure 2 (AG line).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chat C. Do whose telephone number is (703) 305-5655. The

examiner can normally be reached on M => F from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chaki Kakali can be reached on (703) 305-9662. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chat C. Do
Examiner
Art Unit 2124

October 6, 2004

ANIL KHATRI
PRIMARY EXAMINER